

Planning and Rights of Way Panel 21st May 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 52 Peartree Avenue, Southampton			
Proposed development: Erection of a two bedroom chalet bungalow, with bicycle and bin storage.			
Application number:	20/00128/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	04.03.2020	Ward:	Peartree
Reason for Panel Referral:	Ward Councillor referral and five or more letters of objection have been received	Ward Councillors:	Cllr Eamonn Keogh Cllr Alex Houghton Cllr Thomas Bell
Referred to Panel by:	Cllr Eamonn Keogh	Reason:	Parking and access to the backland site
Applicant: Mr Joe Hopkins		Agent: Mrs Alison Davanzo Harriton Homes Ltd	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS4, CS5, CS13, CS16, CS19, CS20 and CS22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, H1, H7 of the City of Southampton Local Plan Review (Amended 2015), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached			
1.	Habitats Regulation Assessment	2.	2011 Census Car Ownership Data
3.	Development Plan Policies		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

1. The site, its context and background to the scheme

- 1.1 The application site comprises the garden area of a two-storey, detached family dwelling, which has a paved front driveway providing parking for 3 cars.
- 1.2 Local ground levels slope gently down from the front of the property to the rear, meaning the development site is approximately 1m lower than the host dwelling.
- 1.3 There is a neighbouring development of 3 x 2 bedroom chalet bungalows, which were granted consent in 2008 under permission ref: 07/01584/FUL (No's 48-50 Peartree Avenue). The access road serving this neighbouring development adjoins the side boundary of the application site, and is proposed as the access route for the currently proposed development.

2. Proposal

- 2.1 The application site occupies the rear garden of No.52 Peartree Avenue. The proposals would provide a 2 bedroom chalet bungalow served by two rear dormer windows. The design is taken from the neighbouring 3x chalet bungalow development to the rear of 48-50 Peartree Avenue. The proposed dwelling would also share its access from this neighbouring development located between 48-50 Peartree Avenue.
- 2.2 The proposal dwelling would be provided with one parking space to the front of the dwelling, as well as bin and cycle storage areas. The dwelling would be provided with a rear garden which would align and be of a similar size to the neighbouring bungalows at No's 48b-48d.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies are set out at **Appendix 3**.

3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 A previous application for a similar new dwelling was submitted under ref: 19/00203/FUL, however this was withdrawn due to various concerns regarding design, parking access and amenity space provision. The current application has sought to address these concerns with an amended design, reduced building footprint and further assessment of traffic impacts.

4.2 The neighbouring development within the gardens of No's 48-50 Peartree Avenue was granted permission in 2008 under permission ref: 07/01584/FUL. This application granted consent for 3x 2 bedroom chalet bungalows with small rear gardens and 1 parking space each within the access road.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. A total of **9 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 **The access road is private land and no access permission has been given by the owner.**

Response:

Noted and the applicant has completed Certificate B and notified all affected landowners of their intention to apply and, if successful, develop. The Panel will recognise that you do not need to own the land on which you wish to develop. The proposal is to be assessed on the merits of the design itself and how it complies with local planning policies. Issues of land ownership and access rights are to be negotiated outside of this planning application and are not material considerations for this assessment. If permission is granted the applicant will then have to negotiate further with the affected landowners.

5.1.2 **The proposal will exacerbate existing parking issues. Increase in parking on Peartree Avenue will cause issues for visibility.**

Response:

The impact on local parking availability is discussed further below.

5.1.3 **The development is over an area used for parking and a play area by the existing bungalows.**

Response:

The proposed access point is not a designated parking area, and conditions on the original planning consent prevented parking on this area in order to provide a turning space. The current proposal supports this by proposing to paint the missing hatching markings over the turning / access space. The number of movements of

a single car crossing this turning area will be minimal and there are no highway safety concerns raised.

5.1.4 Loss of light, outlook and privacy to No's 50 and 54 Peartree Avenue. Loss of privacy to bungalow No.48b due to removal of boundary wall.

Response:

This is discussed in more detail further below. The proposed new dwelling will not result in overshadowing to neighbouring properties on Peartree Avenue. The proposed separation distances between habitable rooms meet our minimum standards, and the ground level changes involved, and chalet nature of the design will reduce the visual impact of the proposal. Loss of outlook / view across a neighbouring property is not a material planning consideration. The removal of the existing boundary between No.48b and the development site will be to the front of this dwelling, which is already open to the neighbouring bungalows, and only gives views from the proposed parking area, not from the proposed new dwelling itself.

5.1.5 The proposal results in overdevelopment.

Response:

The proposed building footprint covers much less than 50% of the site area and the proposed residential density of 40dph (dwellings per hectare) is an appropriate level for this location as defined by Policy CS5 of the LDF Core Strategy. As such, the proposal is not considered to present an overdevelopment of the site. This is discussed further below.

5.1.6 Noise and disturbance caused during construction.

Response:

All construction sites bring a degree of disturbance to existing neighbours. A planning condition is recommended to secure restricted hours of construction and a construction method statement to manage these impacts.

5.1.7 Loss of green spaces which contribute to natural drainage, air quality and vegetation for natural cooling.

Response:

The existing rear portion of this garden land to be developed, has very little existing vegetation and is used mainly for storage and outbuildings. This is an opportunity to tidy the site. The current proposal provides a rear garden area and small area of amenity space to the front of the new dwelling, which will result in a net gain in the amount of green space and vegetation on site. Further details of the proposed landscaping can be secured by condition.

5.1.8 Loss of boundary wall to No.50 Peartree Avenue. Safety of pedestrians using the side garden access to No.50, which opens into the access road

Response:

The proposal does not remove any part of the boundary wall to No.50. The proposal will help to increase the safety of pedestrians using this side gate, due to the inclusion of the demarcated pedestrian footpath to be painted onto the access road, as was originally required under the original planning consent.

5.2 **Consultation Responses**

5.3 **Cllr Keogh:**

Objection. The proposed access is restricted and needs investigation. The proposal will increase traffic on the access road and may increase risk of on-street parking. Request referral to PROW panel.

Officer Response: *These issues are discussed further below.*

5.4 **SCC Highways Development Management:**

No objection subject to conditions. The parking layout is non-standard, but as long as the turning area is kept clear, the provision of one parking space less than our maximum standard in this particular case is acceptable, given the census data results, and the quiet residential area in the access road. The existing access is acceptable with a minimum width of 3.2m, and the proposed improvements to demarcate the pedestrian walkway and turning area hatchings, in accordance with the original 2008 consent, should be secured by condition.

Ideally, a communal bin collection point would be provided within the entrance to the site, if land ownership allows, however given the existing collection arrangements for the 3 neighbouring bungalows, one additional dwelling is not considered to create a significant impact. Request waste management plan to ensure bins are not left on the footway permanently.

The proposed cycle store is acceptable. A horizontal cycle stand should be secured by condition.

5.5 **SCC Sustainability:** No objection. Request conditions:

Energy & Water (Pre-commencement) - *“With the exception of site clearance, demolition and preparation works...”*

K090 - Energy & Water (Performance)

5.6 **SCC Ecology:**

No objection. The sheds and greenhouse have negligible biodiversity value. The shrubs have low value for breeding birds. The loss of shrubs has the potential to adversely impact breeding birds protected under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should take place either outside nesting season (March to August inclusive) or at other times after being checked by a suitably qualified ecologist. If active nests are found, vegetation clearance must be delayed until after the chicks have fledged.

Also recommend replacement planting of native or ornamental species with recognised wildlife value (RHS Perfect for Pollinators), and simple biodiversity enhancements e.g. bird and bat boxes, bee hotels etc. Recommend the following conditions:

J015 - Ecological Mitigation Statement (Pre-Commencement).

J025 - Protection of nesting birds [Performance Condition]

5.7 **SCC Environmental Health:**

No objection. Recommend conditions:

S030 - Working hours

S025 - No bonfires

Officer Response: *Nuisance from bonfires is controlled under separate legislation, so this is not considered a reasonable condition.*

5.8 **Southern Water:**

No objection in principle. Request informative note: Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. Preference for surface water to be disposed of by way of an on-site soakaway. Any sewer found during construction works will require further investigation.

5.8 **SCC Design:**

No objection, but the design would have been better to follow that of the existing neighbouring bungalows, i.e. including the projecting porch. The angle of roof pitch and ridge height should be confirmed as being the same as those existing bungalows.

Officer Response: *The roof pitch is the same 45 degree angle, and the ridge height is shown on the plans as being the same as the adjoining bungalows.*

5.9 **SCC CIL:**

The development is CIL liable as the proposal creates a new residential dwelling. The current indexed residential CIL rate is £104.38 per sq m, which would be measured on the Gross Internal Area of the building.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in determining this planning application are:

- Principle of development
- Design and effect on character;
- Residential amenity;
- Parking; and,
- Likely effect on designated habitats.

6.2 **Principle of development**

6.2.1 The City has an existing housing need as set out in the Development Plan and the Council has a duty to secure more housing in appropriate circumstances. Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of land to provide housing. Policies H1 and CS4 acknowledge that new homes will generally need to be built at higher densities, and that new dwellings will contribute towards delivering the Council's strategic target for housing supply, however policy CS5 seeks development of an appropriate density for its context.

6.2.2 This proposal would result in a residential density of 40 dwellings per hectare (dph) on site, meeting the level set by policy CS5, which seeks a density of 35 - 50 dph in this low accessibility area. This is only one indicator of the acceptability of a scheme, however, and the overall quality of development must still be tested in terms of the merits of the scheme as a whole. This is discussed further below.

6.2.3 Policy CS16 of the Core Strategy resists the loss of family homes, defined as properties with 3 or more bedrooms with access to private garden area that meets our minimum standard as given in Section 2 of the Residential Design Guide (90sq.m for a detached property). It is noted that the existing host dwelling, No.52, would retain ample garden area of at least 136sq.m, and so complies with policy CS16.

6.2.4 The application site lies within an urban area where the basic principle of development is considered to be acceptable. The planning assessment must now consider whether the nature, design and impact of the proposal are appropriate and in accordance with relevant Local Plan policies and supplementary guidance.

6.3 Design and effect on character

6.3.1 The principle of backland development here has already been established through the neighbouring site which granted permission under 07/01584/FUL for three detached chalet bungalows. This scheme would have been approved under a different planning framework was in place and the UK planning system regarding garden land as 'previously developed', where new housing was to be directed. Garden land is no longer regarded as previously developed but the character of the area is defined, in part, by backland development and this is a material consideration to which significant weight should be afforded. The proposal seeks to replicate the scale and design of the existing bungalows and effectively represents an addition to the existing layout. It is not considered that the addition of an additional dwelling in this regard would be an incongruous addition to the development or be at odds with the prevailing pattern of development locally.

6.3.2 The proposed dwelling would effectively provide an addition and continuation of the existing row of 3 chalet bungalows. There are minor differences in design whereby the proposed dwelling would incorporate a small crown roof and omits a front porch. The footprint of the proposed dwelling would also be slightly deeper than the neighbouring dwelling. These different size and design features are not considered to result in a dwelling that would be out of place or harmful to the visual amenities or character of the immediate area. On this basis the size, scale and design of the proposed dwelling is considered to be acceptable.

6.3.3 It is also noted that the built footprint of the dwelling will fill less than a third of the plot, with opportunities to secure significant enhancements to the surrounding garden landscaping. In addition, the host dwelling retains a large rear garden area, so that the site does not appear cramped. As such, the proposal would not appear as an overdevelopment of the plot. Details of the proposed materials for the new dwelling and hard and soft landscaping scheme will be secured through a condition.

6.4 Residential amenity

6.4.1 The proposal would introduce a new dwelling within the rear garden of No. 52 Peartree Avenue. It is considered that the proposed size, scale, siting and design of the proposed dwelling, and its separation distances from neighbouring dwellings, would not result any adverse overbearing or overshadowing impacts on neighbouring properties. It repeats similar arrangements that exist already.

6.4.2 During the course of the application, the proposal has been amended to remove one of the front velux windows, leaving only two small windows facing towards the rear of properties on Peartree Avenue, which replicates the relationship between the existing bungalows approved under 07/01584/FUL and the rear windows of the properties located along Peartree Avenue.

6.4.3 Indeed the relationship between the proposed dwelling and No.50 Peartree Avenue would be better than that between No. 50 and the existing bungalow

No.48b which is located directly to the rear. The distance between the front of No.48b and the rear of No.50 is 20.7m whereas the distance between the front of the proposed dwelling and the rear of No.50 would be 21m and would also be at an oblique angle. This distance complies with the guidance contained within Section 2 of the Residential Design Guidance, which sets out a minimum distance of 21m between habitable rooms. Therefore, the relationship between the proposed dwelling and No. 50 would be acceptable and would not result in any significant loss of amenity to this property.

- 6.4.4 In terms of the relationship between the proposed dwelling and the host dwelling at No. 52 would also be acceptable whereby separation distances of 20.9m and 23.7m to the rear windows of the host dwelling would be retained. These distances would also comply with the minimum requirement of 21m within the Residential Design Guidance. Furthermore, these distances would be a betterment on the existing relationship between neighbouring 3 chalet bungalows and No. 52 whereby there is 20.7m between No. 48b and No. 52 and 19.2m between 48d and No. 52. Through the proposals the existing dwelling would retain approximately 136sq.m of garden amenity space, which far exceeds our minimum standard of 90sq.m for a detached dwelling. On this basis the proposal would not result in any adverse harm to the amenity of existing occupiers.
- 6.4.5 In terms of the relationship between the proposed dwelling and No. 54, the habitable room windows of the proposed new dwelling would be positioned approximately 21m from the rear Dining Room French doors of No.54 and at an oblique angle, which complies with the distances outlined within the Residential Design Guidance.
- 6.4.6 With regards to the impact of the rear dormers, the proposed dormer windows serving bedroom 2 would be located approximately 37.7m from the rear windows of No.26 Merridale Road to the rear, which significantly exceeds the minimum separation distance as set out within the Residential Design Guidance. On this basis the proposals would provide an acceptable and compliant relationship with neighbouring properties and demonstrates that there would be no loss of privacy or overlooking to neighbouring properties.
- 6.4.7 The potential impact of construction noise and disturbance on neighbouring residents can be mitigated by way of a condition which would restrict the permitted working hours and require the submission and agreement of a construction management plan prior to works commencing on site.
- 6.4.8 On the above basis, it is not considered that the proposal would result in significant harm to the occupiers of neighbouring properties, subject to compliance with recommended conditions.
- 6.4.9 The proposal provides good levels of light, outlook and privacy to all habitable rooms within the new dwelling, which are each served with appropriately sized windows and light. The dwelling would be provided with a private rear garden area of approximately 74sq.m. Whilst this is below the minimum standard of 90sq.m for a detached dwelling (as set out within the Residential Design Guidance), its size and shape is commensurate with the gardens of the neighbouring bungalows whereby No.48c has a garden measuring approximately 75sq.m. Therefore the proposed garden area is considered to be acceptable.

6.4.10 The proposed internal layout provides a total floor area of 89sq.m, which exceeds the Nationally Described Space Standard (NDSS) for a 2bed, 4 person dwelling (79sq.m). The bedroom sizes of 15.6sq.m and 12sq.m also exceed the NDSS minimum size of 11.5sq.m for double bedrooms. In addition, there is sufficient bin and cycle storage and 1 car parking space provided to the front of the dwelling. As such, the proposal is considered to provide an appropriate standard of living accommodation and environment for future occupiers of the new dwelling.

6.5 Access and Parking

6.5.1 The proposed dwelling would be accessed from the existing shared access that serves the neighbouring bungalows. Concerns have been raised that the applicant does not have appropriate rights to utilise this access, however this is a private matter between the applicant and the land owners. The existing access point at Peartree Avenue is approximately 3.2m wide, which is considered by the Highways Officer to be an acceptable width to serve the additional dwelling.

6.5.2 The proposal would provide car parking for one vehicle on the new driveway to the front of the new dwelling. This represents the same level of provision as that previously approved for the adjoining bungalows (approved under 07/01584/FUL). Comments from neighbours indicate that the proposed turning space is currently used as a visitor parking space, however this is technically a breach of condition under the original planning consent, which required the turning space to be demarcated with hatched lines and kept clear at all times. As part of the proposal improvements to demarcate the pedestrian walkway and turning area hatchings would be secured in accordance with the original 2008 consent and are acknowledged by the Highway Officer as being an improvement to the whole site. These improvements would be secured by condition.

6.5.3 In terms of car parking provision, the maximum standard provision of car parking spaces for a new 2 bed dwelling in a low accessibility area is 2 parking spaces, according to the Parking Standards SPD. As maximum standards it is possible to approve development below the defined standard. The proposal technically results in a shortfall of 1 space for the new dwelling, however it must also be noted that these are maximum standards, and that the adjoining development of 2 bedroom chalet bungalows were approved with only 1 space per dwelling. It is also noted that there is un-restricted parking on Peartree Avenue and its surrounding roads. No parking survey has been submitted to address the shortfall of 1 parking space for the new dwelling, however evidence from the 2011 Census regarding car ownership within Peartree Ward has been submitted, which indicates that there is an average of 0.87 cars per household, which the proposed development would be consistent with. In addition, the Highways Officer has no objection to the proposed site layout, nor to the proposed level of parking provision or use of the shared access road. It is therefore considered feasible that any overspill from this small development can be accommodated locally and it is not considered that a reason for refusal based on lack of parking could be substantiated.

6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under

Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 10% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

- 6.6.2 As noted by the Ecology Officer, the loss of shrubs has the potential to adversely impact breeding birds protected. Vegetation clearance should take place either outside nesting season (March to August inclusive) or at other times after being checked by a suitably qualified ecologist. Also recommend replacement planting of native or ornamental species with recognised wildlife value in order to provide simple biodiversity enhancements. The views of the Ecology Officer are agreed and conditions regarding vegetation clearance and biodiversity enhancements will be secured through a condition.

7. Summary

- 7.1 Given the details discussed above, the proposed development is not considered to cause significant harm to the amenity of neighbouring residents, nor to the occupiers of the existing or new dwellings. The layout and design of the proposal would not appear out of character with the host dwelling or local area. Moreover, the site is large enough to accommodate the proposal, mitigation can be secured to ensure protection of European designated sites and to enhance biodiversity on site, and the proposal is not considered to cause harm to highway safety or local parking amenity. As such, officers recommend approval of the application.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) (f) 4.(f) (g) (vv) 6. (a) (b)

AC for 21/05/2020 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Materials as specified and to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the development hereby permitted, shall be as specified on the approved materials schedule and approved plans. Where there are no materials specified on the approved documents, the materials shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

04. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

05. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted ^IN; with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

06. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

07. Energy & Water (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence

demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

08. Energy & Water (Performance)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

09. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country

10. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, and a management plan for collection days, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

11. Cycle storage facilities (Pre-Commencement)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

12. Parking, access and road markings (Pre-Occupation)

The car parking space and access, together with the painted markings for the turning space and demarcated footpath in the access road, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety and parking amenity.

13. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 10% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

2011 CENSUS DATA TABLE – CAR OR VAN OWNERSHIP – PEARTREE WARD**KRONEN**

SPECIALIST DEVELOPMENT TRANSPORT PLANNING

PROJECT - P1906.4

PEARTREE AVENUE, SOUTHAMPTON, SO19 7JP

SHEET - CENSUS 2011 DATA - CAR OR VAN OWNERSHIP BY NUMBER OF ROOMS IN THE PEARTREE WARD

	NUMBER OF DWELLINGS							
	DWELLING TYPE	DWELLING TENURE	DWELLING ROOMS	TOTAL VEHICLES	NO VEHICLES	1 VEHICLE	2 VEHICLES	3+ VEHICLES
RAW CENSUS	ALL TYPES	ALL TENURE	4 ROOMS	910	286	471	136	17
ANALYSIS	ALL TYPES	ALL TENURE	4 ROOMS	910	286	471	136	17
PROPORTION				1.00	0.31	0.52	0.15	0.02
VEHICLES					0.00	0.52	0.30	0.06
SUM								0.87

SOURCE: ONS

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)